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% 17.08.2007

Present : Mr. Vinay Sabharwal with Mr. Rajesh Kumar for the petitioner.
Mr. Amit K. Paul for the respondent/MCD.

+WP(C) No.5804/2007.
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The petitioner has filed the present writ petition under Articles 226 and 227 of the Constitution of India for inter alia issuance of Writ of Mandamus or any other writ directing the respondent to do their public duty by considering the candidature of the petitioner's members (B.Ed. Class-IV employees) for the post of Primary Teacher and/or framing of policy decisions for career progression/promotion, etc. in this regard.

Issue notice to show cause as to why this petition be not admitted. Mr. Amit K. Paul, Advocate accepts notice on behalf of the respondent. He submits that this question had come up for hearing before the Single Judge of this Court and the writ petition was dismissed on 29.07.2005, copy of the order dated 29.7.2005 has been annexed by the petitioners along with this writ petition. However, while disposing of this writ petition, the Court had made the following observations:-

> 7. In view of the foregoing discussion, I am of the opinion that no relief can be granted in this petition. However, it would be in the interests of the MCD as well as serving employees if the respondents apply their minds and consider as to what appropriate measures should be taken to ensure some measure of career progression for Group-D employees like the petitioners who are qualified beyond the expectations of the posts which they hold at present, and a suitable decision is taken.

Signature Not Verified

Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

8. Petition is disposed of in the light of the above order.

Learned counsel for the petitioners submits that despite the fact that the petitioners have been working for many years, they have absolutely no avenues open for them and they are stagnating. Learned counsel for the respondent on instructions submits that the Recruitment Rules for appointment of teachers has been amended and the petitioners do not fulfill the academic qualifications, however, the petitioners can compete in the departmental examination and be appointed as LDCs which is a Group-C post. In addition to that they can also be appointed to the post of "Assistant Attendance Officers".

In view of the statement made by learned counsel for the respondent, no further orders are called for in this writ petition. The petition is disposed of in terms of the statement made by learned counsel for the respondent in Court today.

G.S. SISTANI, J.

August 17, 2007.
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Special Leave matter
WPC

- Disposed of
17.08.07

⇒ CM 2949/11 (Clarification)

⇒ CM 2950/11 (delay - 61 days)